



## New Jersey Department of Children and Families Policy Manual

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### **Purpose:**

This issuance establishes policies and procedures for DCF's collection of child support moneys from legally responsible persons, to offset costs associated with placing children out of home. This issuance explains the role of the DCF Office of Revenue, Financial Reporting and Title IV-E Operations (ORFR&IV-EO) in this endeavor.

### **Authority:**

- N.J.S.A. 2A:17-56.20
- N.J.S.A. 30:4C-29.1
- Court Rule 5:6A

### **Policy:**

#### **A) Requirement for Support Evaluation**

The DCF Office of Revenue, Financial Reporting and Title IV-E Operations (ORFR&IV-EO) evaluates legally responsible persons for support of all minor children in CP&P-supported out-of-home placement. Legally responsible persons, based on their ability to pay under the Child Support Guidelines, are liable for up to the full cost of maintenance for their children in placement, in accordance with N.J.S.A. 30:4C-29.1. LRPs of Title IV-E/FC and non-IV-E/FC eligible children are considered.

County Welfare Agency Child Support and Paternity Units, CWA CSPU, file non-support complaints against LRPs on behalf of DCF/CP&P in accordance with the inter-Departmental Agreement. A Hearing Officer hears the case and makes a recommendation to the court as to the level of child support to be paid. If a parent (LRP) questions the recommendation of the Hearing Officer, it is the parent's responsibility -- not the Department's -- to challenge that recommendation.

The Probation Division (county probation department under the State of New Jersey Judiciary) is responsible for enforcing the child support order. Pursuant to

N.J.S.A. 2A:17-56.20, an LRP may be held responsible to pay post judgment interest to DCF/CP&P -- i.e., a penalty fee -- if he or she fails to make payments under a child support order within 30 days.

The delivery, quality and nature of services provided to a child by DCF/CP&P shall not be affected by a legally responsible person's ability or willingness to pay support toward the needs of that child.

#### **B) When Support Responsibility Begins**

Although the LRP's responsibility for paying child support to CP&P starts on the day that the child was placed out of home, collection will only be made retroactive to the filing date of the complaint by the Title IV-D agency (i.e., the date when the non-support complaint was filed in court by the CWA CSPU).

#### **C) When Support Responsibility Ends**

The LRP's responsibility to pay child support to DCF/CP&P ends when the child no longer receives a maintenance service associated with out-of-home placement through CP&P, becomes emancipated, is no longer dependent, is adopted, Kinship Legal Guardianship (KLG) is finalized, dies, or when a non-DCF agency assumes financial responsibility for the placement.

An LRP may request that a hearing be held through the Family Court to vacate or adjust a support order based on a change in his or her personal circumstances.

#### **D) Collection of Court Ordered Support**

Under current law, all support orders entered or modified after October 1, 1990 are payable by income withholding (wage garnishment). Orders issued before October 1, 1990 are modified to reflect income withholding when if support payments fall 14 days in arrears.

Other arrangements are made when an LRP is self-employed.

#### **E) Failure to Comply**

An LRP's failure to appear for a court proceeding, failure to pay court ordered child support, and/or falling behind in child support payments may result in:

- A warrant issued by the court for the LRP's arrest;
- A report being sent to national credit reporting bureaus (if arrears fall behind \$500 or more), an action which could have a negative impact on the LRP's personal credit;
- Interception of any Federal and/or State income tax refunds to the LRP, with these monies applied toward the child support obligation;
- A judgment or a lien filed by the Probation Division against the LRP or his or her property; and or
- A post judgment interest claim -- i.e., additional penalty charges -- filed by the Probation Division against the LRP.

## **Procedures:**

### **A) Procedures for Collection of Support through CSPU**

In accordance with the DFD-DHS Inter-Departmental Agreement, the ORFR &IV-EO and the CWA CSPU develop local protocols on referral processing. The ORFR&IV-EO designates a liaison to each respective CWS CSPU.

Procedures for referral processing include:

- Within 45 days of a child's placement out of home, DCF submits an electronic referral/notification (via the Referral for Support Evaluation, CP&P Form [26-1](#)) to the respective CWA CSPU, upon gathering necessary client identifying information, and entering that information into NJ SPIRIT.
- The CWA CSPU files a non-support complaint on behalf of DCFCP&P against the LRP to obtain an order of support pursuant to N.J.S.A. 30:4C-29.1. When a standing support order exists prior to the placement, the CWA CSPU files a motion to change the beneficiary of that support to DCFCP&P. An order may specify that a child be covered under an LRP's medical insurance policy/plan.
- The Family Court evaluates the LRP's ability to pay, based on his or her gross income, using the Child Support Guidelines found in Court Rule 5:6A. (If a child has more than one LRP - i.e., two parents, whether or not living together or married - the evaluation is based on their combined gross incomes, compared to the total number of dependent children of both parents.)
- Parents pay child support to DCF/CP&P through the Probation Division. The child support order may stipulate a pay garnishment. If an LRP is collecting Unemployment Insurance Benefits, child support may be withheld from that benefit.
- Monies collected by the Probation Division are forwarded to the ORFR&IV-EO.
- The Probation Division advises the ORFR&IV-EO if post judgment interest may be claimed against an LRP for failing to pay court ordered child support in accordance with applicable Probation Division guidelines.
- The ORFR&IV-EO calculates the amount of post judgment interest due on an account using the current legal rate as determined by the Administrative Offices of the Court and/or the Probation Division, and then determines whether the Probation Division should pursue this revenue on behalf of DCF/CP&P.

- The CWA CSPU and/or the Probation Division updates NJ KIDS (electronic data system), to indicate support amounts collected from LRPs and arrearage amounts pending.
- Using the Referral for Support Evaluation, CP&P Form [26-1](#), the ORFR&IV-EO informs the CWA CSPU of any new information obtained or changes in circumstances relevant to child support regarding a referred case, including details learned about an absent parent's identity, whereabouts, employment and/or income, a child's receipt of Federal government benefits, etc. ORFR&IV-EO also advises the CWA CSPU if a case is transferred to another Local Office.
- The OCSPP monitors the referral and processing of all DCF/CP&P cases, both Title IV-E/FC eligible and non-eligible.
- On a daily basis, an electronic notification is sent from ORFR&IV-EO to DFD on the date a child leaves placement, is adopted, a KLG order is finalized, or DCF/CP&P loses eligibility for reimbursement for another reason.
- The ORFR&IV-EO sends a termination letter to the Probation Division.
- The Probation Division amends or vacates the support order, as warranted.

## **B) Components of the DCF Referral to CSPU**

DCF uses the Referral for Support Evaluation, CP&P Form [26-1](#), to initiate a referral to the CWA CSPU. The referral shall contain, at a minimum:

- The name(s) of the legally responsible persons (LRPs) - the child's parent(s) and/or spouse/civil union partner;
- The LRP's last known address or last known employer;
- The LRP's date of birth and/or Social Security number;
- The NJS case identification number;
- The family's AFDC/TANF case number, if available; AND
- Evidence of the child's out-of-home placement, admissible in court, such as a copy of:
  - The Notice of Placement, CP&P Form [5-47](#); OR
  - The child protective services court order for the removal and placement of the child; OR
  - The signed placement agreement document which gives DCF/CP&P the authority to facilitate the placement: Residential Placement Agreement and/or Acknowledgement Between the State

of New Jersey Division of Child Protection and Permanency and Parent(s), Legal Guardian or Legal Custodian, CP&P Form [25-59](#); or Consent to Independent Living by Parent(s), Legal Guardian or Caregiver, CP&P [Form 10-8](#).

Include in the referral packet a copy of the Certificate of Parentage and/or the child's long-form birth certificate, if available.

If identifying information is not known about any legally responsible person, do not make a referral to CSPU, as no action can be taken without such basic information. If client identifying information is obtained at a later date, initiate a referral to the CWA CSPU at that time.

To respect client confidentiality, DCF releases this information directly to CWA CSPU staff, limiting its content to only that which is necessary for the CWA CSPU to carry out support determination and collection procedures on behalf of DCFC&P. See [CP&P-IX-G-1-100](#). The information collected by CWA CSPU staff may not be used for any other purpose.

### **C) Advising LRP of Placement Costs and Responsibility to Pay Child Support**

Before a child is placed into congregate care or independent living by parental consent, the Worker advises the child's legally responsible person(s) of:

- The approximate cost of the placement (i.e., the maintenance costs associated with the child's placement for which the LRP may be held responsible in accordance with N.J.S.A. 30:4C-29.1);
- The LRP(s) continuing financial responsibility for the child while the child is in placement; and
- DCF/CP&P procedures for the pursuit and collection of child support from an LRP.

For children removed and placed by court order, this information is provided to the LRP in as timely a manner as is possible and reasonable, based on the unique circumstances of the case.

To find the cost of maintenance for a child in placement (derived by adding the board rate and clothing allowance together):

- For children in resource family care, see the rate table attached to.
- For children in group home care or residential placement, consult the Residential Rate Table, available on-line at the DCF homepage; or
- For children in independent living, see [CP&P-VI-A-2-200](#), Independent Living Rent, Food and Incidentals Stipends.

### **D) Court Order to Include Medical Insurance/Payments**

If an LRP has private medical insurance, the CWA CSPU requests that the child support court order specify that the parent obtain that insurance, and apply it

toward the medical/health maintenance needs of the child in out-of-home placement. The court may also order an LRP to make specified cash payments toward the medical, dental, or mental or behavioral health needs of his or her child in placement.

When medical insurance information is obtained, the DCF Office of Child and Family Health completes a Division of Medical Assistance and Health Services third party liability information form, and sends it to the DMAHS Bureau of Third Party Liability, CN 720, Trenton, NJ 08625.

#### **E) Changing the Beneficiary of Court Ordered Child Support to DCF/CP&P**

- If an LRP has been ordered by the court to pay child support to a custodial parent, another caregiver, or the County Welfare Agency, DCF/CP&P becomes eligible to receive this court-ordered support upon placing the child out of home.
- DCF/CP&P may collect these monies if the support order is changed to name DCF/CP&P as the beneficiary. In these situations the CWA CSPU files motions in court on behalf of DCF/CP&P to change the beneficiary to DCF/CP&P.
- If more than one child is named in a pre-existing court order, the CWA CSPU claims the child's portion (i.e., the child in out-of-home placement) of that support for DCF/CP&P.

#### **F) Re-Evaluation of Court Ordered Child Support**

Once every three (3) years child support orders are reviewed by the CWA CSPU in accordance with both Federal and State regulations. If the LRP's income increased or decreased by 20 per cent, a court hearing is scheduled to review the support order.

An LRP may petition the court for a review before three years pass, if his or her individual life situation changes (e.g., loss of a job or income, change in marital/civil union status, the birth of another child or dependent).

#### **G) Notice of Termination of Placement**

When a child returns home, leaves DCF-supported placement, is adopted or KLG is finalized, or dies, or when a non-DCF agency or individual assumes financial responsibility for the placement, the following procedures apply:

- The Worker updates NJ SPIRIT, to reflect the child's change in circumstances.
- The ORFR&IV-EO is notified of the change in the child's circumstances.
- NJS produces a Child Placement Review Notice of Change, CP&P Form [18-35](#), which is electronically transmitted to DFD, as notification of the termination of DCF/CP&P-supported placement
- The ORFR&IV-EO researches the case to assure that the child has left placement rather than having changed placements. Upon verifying that the child is no longer in a DCF/CP&P-supported placement, the

ORFR&IV-EO signs the child support termination letter, and sends it to the Probation Division.

- If there are arrearages and/or post judgment interest due in the account, the LRP is responsible for continued payment until his or her full obligation is satisfied.
- If DCF collected an overpayment from the LRP, the ORFR&IV-EO issues a refund to the Probation Division.
- The Probation Division notifies the Family Court to amend the support order to accommodate arrearages in the account, redirect support payments/remove DCFCP&P as the beneficiary, or vacate the order.

The assigned CP&P Worker advises the obligor (LRP) to contact the Probation Division if, despite these procedures, the order was not terminated.

#### **H) Withholding a Referral for Support Determination**

DCFCP&P may withhold a referral from the CWA CSPU for various reasons as stated herein.

##### **1) Best Interest of the Child**

DCFCP&P may determine that it is in the best interest of a child that paternity not be established and/or that support monies not be pursued from a legal or putative father. Examples include, but are not limited to:

- Cases involving incest or rape, when divulging the identity of the child's father or circumstances of the child's conception may prove injurious to the child's mental health, self-concept, or well-being;
- Pending adoptions or KLG; or
- Probable resultant physical or emotional harm to the child or family should paternity or support be pursued.

Likewise, DCF/CP&P may determine that it is in the best interest of a child that support monies not be pursued from a mother. Examples include, but are not limited to:

- Pending adoptions or KLG; or
- Probable resultant physical or emotional harm to the child or family should support be pursued.

In such situations DCF/CP&P may determine that a referral to the CWA CSPU be withheld. This decision may be made by the Title IV-E Reviewer in consultation with the assigned CP&P Worker and his or her Supervisor.

##### **2) Return Home Imminent**

If the case plan calls for the child's imminent return home, the Worker and his or her Supervisor notifies the Title IV-E Reviewer, and asks that submission of a referral to the CWA CSPU be withheld.

### **3) Low Potential for Collection**

Withhold a referral when an LRP has been identified, but may have little or no potential for earning income/paying child support based on his or her living situation (e.g., the LRP is incarcerated on a long-term basis, institutionalized in a long term care setting, disabled and receiving Social Security benefits or eligible for SSI, or is terminally ill).

If the child's other LRP has potential to earn income/pay support, refer the case to the CWA CSPU based on the tenets of this policy.

### **4) No Identifying Information**

If basic identifying information is not known about an LRP, the Worker withholds a referral from the CWA CSPU until such information is obtained.

### **5) Adoption Subsidy**

When an adoption is subsidized, and the child is subsequently placed out of home, DCF/CP&P will pursue child support payments from the adoptive parent (LRP) in the following situations only:

- All cases of Substantiated or Established child abuse or neglect in the adoptive home, which resulted in the child being removed and placed, shall be referred for child support determination.
- Refer to the CWA CSU if the adoption subsidy was granted by, and is being administered by, another state.

The assigned Worker contacts the ORFR&IV-EO if an adoptive parent wishes to make voluntary payments to DCF/CP&P on behalf of the child, and/or has private medical insurance coverage for the child.

### **6) Willing Payers**

In exceptional situations, DCF/CP&P may withhold a referral to the CWA CSPU if an LRP is a proven and/or willing payer, who agrees to pay child support to DCF/CP&P on behalf of a child in out-of-home placement without necessitating court action.

Consult the ORFR&IV-EO to initiate a special payment arrangement.

### **Key Terms (Definitions):**

- **“ORFR&IV-EO”** means the DCF Office of Revenue, Financial Reporting and Title IV-E Operations (ORFR&IV-EO), Cost Center 972, which is the operation in DCF responsible for coordinating child support efforts on behalf of the Department.
- **“Legally Responsible Person”** N.J.S.A. 30:4C-2(R) defines a legally responsible person (LRP) as “the natural or adoptive parent, or spouse civil union partner of a child receiving maintenance from or through the Division of Child Protection and Permanency.”



- **“Maintenance”** means monies expended by DCFCP&P “to procure board, lodging, clothing, medical, dental, and hospital care, or any other similar or specialized commodity or service furnished to, on behalf of, or for a child...,” N.J.S.A. 30:4C-2(F).
- **“CWA CSPU”** or **“Child Support and Paternity Unit (CSPU)”** of the County Welfare Agency (CWA) in the child’s county of charge, under the New Jersey Department of Human Services, Division of Family Development ((DFD), is the Unit responsible for locating absent parents, establishing paternity, and pursuing support monies from legally responsible persons.

County CSPUs file non-support complaints on behalf of the Department of Children and Families against the legally responsible persons of both Title IV-E and non-IV-E children in out-of-home placement through CP&P.

- **“OCSPP”** or DFD’S **“Office of Child Support and Paternity Programs (OCSPP)”** is the unit at the State level which oversees the operations of, and establishes rules which govern, the individual County CWA CSPUs.
- **“DCF-DHS Inter-Departmental Agreement”** is a formal agreement enacted between DCF and the DHS Division of Family Development, to facilitate the Federal Title IV-E Foster Care, Title IV-E Adoption Assistance, and non-IV-E claiming process by creating a set of procedures to be followed by CP&P and DFD for establishing paternity, filing child support and/or medical support orders, and evaluating and collecting child support payments for the reimbursement of Title IV-E FC funds paid by the State of New Jersey in accordance with Federal regulations.
- **“Child Support Guidelines”** found in New Jersey Court Rule 5:6A and Appendix IX of the New Jersey Court Rules, are guidelines used by Family Court when considering an application to establish or modify child support. Child Support Guidelines are based on gross income.
- **“Out-of-Home Placement”** for the purposes of this issuance, means placement of a child into a substitute care setting by or through CP&P, with CP&P paying costs associated with the placement. Examples of placement types include, but are not limited to, a resource family home, pre-adoptive home, group home, shelter, residential facility, or independent living program.
- **“Obligor”** is an individual who has been ordered by the Court of law to pay child support.

- **“Certificate of Parentage”** is a document used to acknowledge the identity of a child’s parents, particularly when the parents are not married to each other. The Certificate is signed by both parents, and must be either notarized or completed in front of a witness. Effective January 1, 1995, a Certificate of Parentage became part of a child’s birth record in the State of New Jersey in compliance with the Omnibus Budget Reconciliation Act of 1993 (Federal Regulation promulgated by the U.S. Department of Health and Human Services).

### **Forms and Attachments:**

The following DCFCP&P forms and handouts contain information about, or relevant to, the collection of child support revenue (forms dedicated to support collection entirely or in part):

- Referral for Support Evaluation, CP&P Form [26-1](#)
- Parent Letter: Financial Responsibility to Pay Support for a Child in Placement through CP&P, CP&P Form 16-96
- Parent’s Handbook, CP&P Form [18-32](#)
- CP&P Form [18-33](#), A Guide for Parents: When Your Child is in Foster Care
- Child Placement Review Notice of Change, CP&P Form [18-35](#)
- CP&P out-of-home placement agreements, including:
  - Residential Placement Agreement and/or Acknowledgement Between the State of New Jersey Division of Child Protection and Permanency and Parent(s), Legal Guardian or Legal Custodian, CP&P Form [25-59](#)
  - Consent to Independent Living, CP&P Form [10-8](#)
- Initial Agreement Between New Jersey Division of Child Protection and Permanency and Adoptive Parents Regarding Subsidy Payments, CP&P Form [14-184](#)
- Title IV-E determination forms (see CP&P-IV-F-1), including:
  - Title IV-E Resource Care Eligibility Determination, CP&P Form [10-5fc](#)
  - AFDC Financial Need Determination, CP&P Form [10-5fc](#) Attachment

- Title IV-E KLG Assistance Eligibility Determination, CP&P Form [10-5](#) KLG
- Title IV-E Resource Care Eligibility Redetermination, CP&P Form [10-6fc](#)
- Financial Need Redetermination, CP&P Form [10-6fc](#) Attachment; and
- Title IV-E Adoption Assistance Eligibility Determination, CP&P Form [10-5aa](#)

### **Inter-Divisional Agreement between the Division of Family Development and the Division of Youth and Family Services (Regarding Child Support Procedures) 8-9-2004**

The Inter-Divisional Agreement between the Division of Family Development and the Division of Child Protection and Permanency is a formal cooperative agreement enacted between the Division of Child Protection and Permanency and the Division of Family Development, in which it explains how DFD's local Child Welfare Agency/Child Support Units throughout the state conduct child support evaluations and file non-support complaints against the legally responsible persons of children in out-of-home placement by or through CP&P on behalf of CP&P. The agreement, signed by the respective Division Directors, is valid for five (5) years.

The purpose of this Agreement is to facilitate the Federal Title IV-E Foster Care, Title IV-E Adoption Assistance, and non-IV-E claiming process by creating a set of procedures to be followed by CP&P and DFD for establishing paternity, filing child support and/or medical support orders, and evaluating and collecting child support payments for the reimbursement of Title IV-E FC funds paid by the State of New Jersey in accordance with Federal regulations.

Click here to view the current Inter-Divisional Agreement between the Division of Family Development and the Division of Youth and Family Services.

### **Acknowledgement of Paternity; and Sample, State of New Jersey, Certificate of Parentage 1-1-95**

Certificates of Parentage became part of children's birth records in New Jersey effective January 1, 1995. A sample of the form is provided.

#### Use

When CP&P refers a case to a Child Support and Paternity Unit under the Division of Family Development, a copy of the Certificate of Parentage, if available, may be attached to the referral packet, to provide client identifying information necessary for the CSPU to file a non-support complaint in court against the legally responsible person(s) on behalf of CP&P.

Click here to view the Acknowledgement of Paternity; and Sample, State of New Jersey,

Certificate of Parentage.